

## **HOLDERNESS PLANNING BOARD RULES OF PROCEDURE**

### **A. AUTHORITY**

1. These rules of procedures are adopted under the authority of NH RSA 676:1.
2. Subjects not addressed in these procedures shall be guided by NH RSAs.

### **B. MEMBERS**

1. The Selectmen shall designate one of themselves as an ex-officio member and appoint 6 town residents as members.
2. The Selectmen shall appoint three residents of the town as alternate members. The Selectmen may appoint an alternate ex-officio member to serve in the absence of the ex-officio member.
3. The terms of office for the members and alternates shall be three years unless filling an unexpired vacant position. The terms shall be staggered so as to not have more than three open positions occurring annually.
4. The term of the ex officio member shall coincide with his/her term on the Board of Selectmen.
5. Alternate members shall have the same duties, responsibilities, and privileges as any other member of the Board except that they shall not make a motion or vote on an application before the Board unless named by the Chairman to replace a specific member who is absent or has disqualified him/herself.
6. Alternate members cannot be seated at a meeting by the Chairman to fill a vacant position.

### **C. OFFICERS**

1. The officers of the Board shall be as follows (an ex-officio member may not serve as an officer):  
Chairman: The Chairman shall preside over all meetings and hearings. The Chair shall oversee preparation of the annual report, the annual budget, and guide the update of the ordinances, regulations, and planning materials. The Chair shall also endeavor to keep the Board members as educated as possible on local planning laws and other matters.  
Vice-Chairman: The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Board in the absence of the Chairman.  
Board Secretary: The Board Secretary shall work with the Administrative Assistant to ensure that a full and accurate record of the proceedings of each meeting is kept. The Chairman may appoint a Secretary pro-tem to keep records as necessary.
2. The Chairman, Vice Chairman and Secretary of the Board shall be elected annually from a slate of officers nominated by the ex-officio member, or

nominated from the floor. Election shall be by a majority vote of the Board during the May monthly meeting.

D. ADMINISTRATIVE ASSISTANT

This position is administrative in nature to the Board and shall include, but is not limited to, the following duties:

1. Assist applicants through the application process.
2. Process applications which includes determining correct fees, processing fees to the Treasurer for deposit, creating an application file, reviewing the application and submitting a report to the Board, and providing copies of each application to Board members.
3. Prepare and post agendas and public hearing notices per statutory requirements.
4. Send abutter notices by certified mail (return receipt requested).
5. Prepare and mail monthly packets to Board members one week prior to the meetings.
6. Attend meetings and prepare and distribute minutes and Notices of Decisions.
7. Maintain files as needed.
8. Assist with technical advice in updating the zoning ordinance, master plan, and Planning Board regulations as needed.
9. Advise the Board on issues pertaining to specific applications.
10. Review wetlands applications and forward to the Board, as necessary.

E. MEETINGS

**The public may attend a public meeting, but does not have the right to speak except at the discretion of the Board.**

**At a public hearing, any applicant, abutter, holder of conservation, preservation or agricultural preservation restriction or any person with a direct interest in the matter may testify in person or in writing. The public may attend a public hearing and is invited to give testimony during the hearing.**

1. Regular monthly meetings shall be held as posted.
2. Special meetings may be called by the Chair, the Vice Chair or at the request of three members of the Board – provided that notice is given to each member and the public at least 24 hours in advance of the meeting. The notice shall specify the purpose of the meeting.
3. Non-public meetings shall only be held in accordance with RSA 91-A:3. All other meetings will be public.
4. Quorum: Four members, including alternates, shall constitute a quorum.
5. Disqualification:
  - a. If a member finds it necessary to be disqualified from a particular application, as provided in RSA 673:14, he/she shall notify the Chair as soon as possible. The disqualification will be announced by the Chair or the member prior to

- any discussion of the application taking place. The member shall leave the table until all discussion of the matter is concluded. Once disqualified, the member is disqualified for the entire application process.
- b. Any person, including Board members, may request disqualification of a Board member, but that request must be made within the opening portion of the public hearing.
  - c. The disqualified member has all the rights and privileges of any other person attending the meeting in that he/she may address the issue from the floor at the discretion of the Chair.
- 6. Order of Business:
    - a. Call to order
    - b. Roll call by the recording secretary (at this time the Chair may appoint alternates as voting members)
    - c. Review of previous meeting minutes
    - d. Public Hearings
    - e. Informational requests (held separately from public hearings)
    - f. Other business
    - g. Adjournment
  - 7. Motions may be made by any member of the Board. Once seconded, the motion may be questioned and discussed as the Chair allows.
  - 8. If voice votes are not unanimous, a second roll call vote shall be taken and shall be recorded in the minutes
  - 9. The Chair may make, second, and vote on motions.
  - 10. Tie votes shall be taken as no action. They shall neither affirm nor deny an application. The Board may make further motions to act on this matter. The Chair may continue the action until a later meeting. Should a further meeting result in another tie vote, the application shall be deemed to be denied, due to the lack of a majority affirmative vote.
  - 11. Video and/or audio recordings of Board meetings may occur as long as they do not disrupt or interfere with the normal proceedings.
  - 12. Site visits: A site visit by a quorum of the Board shall be conducted as a public meeting per RSA 91:A-2 with all appropriate public notice and minutes.
    - a. Site visits shall be for the purpose of viewing lot conditions, boundaries, and structures and gathering information. The public may attend a site visit, but may not participate in discussion except at the discretion of the Chair.
    - b. Drive-by viewings by Board members are encouraged. A drive-by is defined as a visit by a member of the Board to a site from an adjoining public highway or other observation point that can be made without entering the property.

## F. APPLICATIONS

- 1. Applications shall be made on forms approved by the Board and shall be submitted to the Town office no less than 28 days prior to the meeting.

2. Forms shall be reviewed annually and changes approved by a vote of the Board.
3. If the application and the required payment are submitted within the posted time frame, notice of a Public Hearing will be made in accordance with RSA 676:4, I.
4. An application sufficient for acceptance for consideration by the Board shall consist of a properly filled-out application form, all appropriate fees, a complete abutter list, and a plan sufficient to reflect the intent of the proposal. An application accepted for consideration by a majority vote of the Board shall be scheduled for action within 30 days of acceptance. In most cases the Board will consider a vote on the application at the same meeting that it is accepted for consideration.
5. The Board shall not accept applications not properly completed. The Board may vote to continue the meeting until a set date for the application to be completed.
6. Once the application is accepted, the Board will, within 65 days, act on the application. No decision on an application shall be made before a public hearing is held. The Board may request an application be continued beyond the 65 day time frame and shall explain to the applicant that refusal of a continuance may result in denial of the application. The 65 day time frame is waived upon written agreement by an applicant for a continuance.
7. Informational requests shall be just that – informational, relative to the review process or clarification of standards or Rules. Neither the Board nor the applicant shall take anything said as being an approval or denial. The applicant must be forewarned that anything said by the Board is said in a free, unstructured meeting and not to be construed in any way as permissive towards an application. Informational requests do not have to be noticed as long as they are held separately from a regular public hearing.

G. MEETING & ABUTTER NOTICE

1. Public notice of hearings shall be posted in the Plymouth Record Enterprise or in the Laconia Citizen as needed, the bulletin boards at the Post Office and at the Town Hall, and on the Holderness website, [www.holderness-nh.gov](http://www.holderness-nh.gov), not less than 10 days prior to the hearing. RSA 676:4 requires one notification. The Planning Board will endeavor to do all.
2. Notice shall be made by certified mail to the applicant, holders of conservation, preservation, and agriculture restrictions/easements; all abutters; and any professional whose seal appears on any plat not less than 10 days prior to the date of the public hearing.
3. Originals of all agenda items shall be made available for review at the Town Hall. Copies may be made by request.

## H. PUBLIC HEARINGS

The Board shall make determination of the completeness of the application for consideration, regional impact status, and consider waivers from the Regulations prior to opening the public hearing. The conduct of public hearings will be as follows:

1. The Chair shall open the public hearing and identify the applicant and any agents representing the applicant.
2. A report on the proposal shall be given by the applicant or agent.
3. Members of the Board may ask questions at any time, at the discretion of the Chair.
4. Any applicant, abutter, holder of conservation, preservation or agricultural preservation restriction or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board. All questions from the public shall be directed to the Chairman. All documents submitted by members of the public shall be read into the record at this time.
5. Those testifying shall be allowed a reasonable amount of time to speak. The Chair will endeavor to restrict duplications of statements, and speakers will be encouraged to avoid replication of statements by other speakers. Speakers are encouraged to address issues and specifics to the regulations and not address sentiments.
6. The Chair shall indicate whether a hearing is closed, or continued, pending the submission of additional material, or information, the correction of noted deficiencies or the scheduling of a site visit. In the case of a continuation, additional notice need not be given if the date, time, and place of the continuation are announced at a public meeting.

## I. DECISIONS

1. The Board shall act to approve, conditionally approve, or deny each application within 65 days of acceptance of the application. A tie vote shall neither approve nor deny an application. Should the application receive a second tie vote, it shall be considered as denied. The application may be continued to a noticed meeting for further action.
2. Notice of decision will be made available at the Town Hall within 5 business days after the decision is made as required by RSA 676:3. If the application is not approved the Board shall provide the applicant with written reasons for

disapproval. A Notice of Decision for a site plan, but not the site plan itself, shall be recorded with the Registry of Deeds at the expense of the applicant.

3. The Administrative Assistant shall write a Notice of Decision based on the motion in the discussion of the application, with review and approval by the Chair.

J. BOUNDARY LINE ADJUSTMENTS, & LOT MERGERS

Abutters of Boundary Line Adjustments must be notified in accordance with RSA 676:4, I (e)(1).

K. WETLANDS

State wetlands applications will be reviewed by the Administrative Assistant and processed to the Board for review as necessary.

L. RECORDS

1. The records of the Board shall be kept by the Administrative Assistant. These shall be available for public inspection at the Town Hall as required by RSA 91-A:4.
2. Minutes of the meetings shall include the names of the Board members, persons appearing before the Board, a brief description of the subject matter, and reflect all decisions made. The minutes shall be open to public inspection within 5 days of the public meeting as required by RSA 91-A:2, II. These minutes are labeled as DRAFT and serve as the official copy until modified, if necessary, and voted as approved by the Board. Copies of approved minutes will be given to the Town Clerk.
3. Once draft minutes have been modified as necessary and approved, the electronic recording of a meeting shall be erased as permitted under RSA 91-A:4, III-b.

M. AMENDMENTS TO THE ZONING ORDINANCE

The Planning Board may start the annual amendment process after Town Meeting. The Administrative Assistant and Compliance Officer shall review the Zoning Ordinance and submit general suggestions for changes to the Ordinance to the Planning Board for review at the April or May meeting. Planning Board members may make general suggestions for changes at the same meeting.

The Selectmen, Conservation Commission, and Zoning Board shall be solicited for proposed amendments to the Ordinance early in the process. All proposed changes shall be put into draft language for the Planning Board to review as early as possible.

The proposed schedule for review and finalization of proposed amendments is as follows:

1. Monthly review of amendments through October, editing draft language as needed
2. Submission to Town Counsel for review and comment prior to the November meeting
3. Review of Town Counsel's comments at the November meeting; finalize the draft language for a December public hearing
4. Hold a public hearing in December; approve the language for the ballot or make changes and hold a second public hearing as needed
5. Provide the approved ballot language to the Town Clerk and Administrator by the statutory deadline (first Tuesday of February)

N. AMENDMENTS TO THESE RULES OF PROCEDURE

These Rules of Procedure may be amended by a majority vote of the members of the Board.